

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

10/057,816

Filing Date

January 24, 2002

First Named Inventor

Ronald L. Mahany

Art Unit

2685

Examiner Name

Nguyen Thanh Vo

Attorney Docket Number

14419US01

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Litigation Statement Pursuant To  
MPEP §2001.06(C) and  
Information Disclosure Statement☒ 2 copies of PTO/SB/08A☐ Reply to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts under  
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence  
Address☐ Terminal Disclaimer☐ Request for Refund☐ CD Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication  
to TC☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Return-Receipt Postcard☐ Other Enclosure(s) (please  
identify below):

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

McAndrews Held &amp; Malloy, Ltd.

Signature

*Michael T. Cruz*

Printed Name

Michael T. Cruz, Reg. No. 44,636

Date

May 3, 2006

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 05/03/2006

Name (Print/type)

Michael T. Cruz

Registration No. (Attorney/Agent)

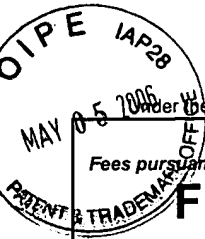
44,636

Signature

*Michael T. Cruz*

Date

05/03/2006



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Fees pursuant to the consolidated Appropriates Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL  
for FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27**Complete if Known**

Application Number	10/057,816
Filing Date	January 24, 2002
First Named Inventor	Ronald L. Mahany
Examiner Name	Nguyen Thanh Vo
Art Unit	2685
Attorney Docket No.	14419US01

**TOTAL AMOUNT OF PAYMENT** (\$) 180.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 13-0017 Deposit Account Name: McAndrews Held & Malloy

For the above-identified deposit account, the Director is hereby authorized to (check all that apply)

☒ Charge Fee(s) indicated below ☐ Charge Fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fees(s) ☒ Credit any overpayments  
under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee(\$)	Small Entity Fee(\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>		
_____ -20 or HP _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20		
<b>Indep. Claims</b>		
_____ -3 or HP _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee(\$)	Fee Paid(\$)
_____ -100 _____ /50 _____ (round up to a whole number) x _____ = _____				

**4. OTHER FEE(S)**

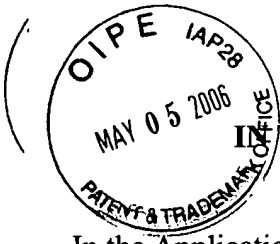
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Information Disclosure Statement

180.00

**SUBMITTED BY**

Signature	<u>Michael T. Cruz</u>	Registration No. (Attorney/Agent)	<u>44,636</u>	Telephone	<u>(312)775-8000</u>
Name (print/type)	<u>Michael T. Cruz</u>	Date	<u>05/03/2006</u>		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Ronald L. Mahany

Serial No. 10/057,816

Filed: January 24, 2002

For: Remote Radio Data Communication  
System With Data Rate Switching

Examiner: Nguyen Thanh Vo

Group Art Unit: 2685

Confirmation No.: 4621

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 3, 2006.

*Michael T. Cruz*

Michael T. Cruz  
Reg. No. 44,636

**LITIGATION STATEMENT PURSUANT TO MPEP § 2001.06(C) and INFORMATION  
DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The owner of record of the present application, Broadcom Corporation, is currently involved in a patent infringement action with Qualcomm, Inc., Civil Action No. 05-467, pending in the Central District of California.

Pursuant to MPEP 2001.06(c), the Applicants would like to bring to the attention of the U.S. Patent and Trademark Office that the subject matter currently being claimed in the present application may be related to at least one of the patents currently asserted by Broadcom in the above-mentioned lawsuit. For the Office's benefit, Applicants enclose as Exhibit A a list of the patents currently asserted by Broadcom in the above-mentioned pending action.

The Applicants also encloses as Exhibit B a completed PTO form PTO/SB/08A which has one (1) page, as well a copy of each printed reference listed in the enclosed form PTO/SB/08A. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Thirteen (13) references are enclosed.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned actions. This submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial both copies of the enclosed PTO/SB/08A and return one copy to the applicants to indicate consideration of the enclosed references.


A fee in the amount of \$180 is believed to be due because:

- \* The applicant(s) believe(s) that this statement and enclosures are being filed after the first Office action on the merits has been mailed by the PTO. The basis of this belief is that an Office action on the merits appears to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Date: May 3, 2006

  
\_\_\_\_\_  
Michael T. Cruz  
Reg. No. 44,636  
McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, Suite 3400  
Chicago, Illinois 60661  
(312) 775-8000

**EXHIBIT A**

**Patents Currently Asserted by Broadcom in Civil Action No. 05-467 (CD Cal.)**

5,425,051

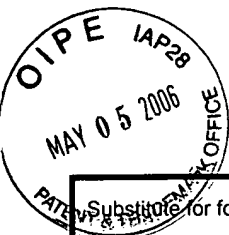
5,657,317

6,285,865

6,389,010

6,847,686

**EXHIBIT B**



PTO/SB/08A (08-03)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/057,816
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First Named Inventor	Ronald L. Mahany
Group Art Unit	2685
Examiner Name	Nguyen Thanh Vo
Attorney Docket No.	14419US01

**U.S. PATENT DOCUMENTS**

Examiner Initial*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A1	4,355,399	10-19-1982	Timor	
	A2	4,701,923	10-20-1987	Fukasawa et al.	
	A3	4,930,140	05-29-1990	Cripps	
	A4	4,939,731	07-03-1990	Reed	
	A5	4,984,247	01-08-1991	Kaufmann	
	A6	5,101,406	03-31-1992	Messenger	
	A7	5,142,550	08-25-1992	Tymes	
	A8	5,204,876	04-20-1993	Bruckert et al.	
	A9	5,278,866	01-11-1994	Nonami	
	A10	5,282,222	01-25-1994	Fattouche et al.	
	A11	5,321,721	06-14-1994	Yamaura	
	A12	5,577,087	11-19-1996	Furuya	
	A13	5,708,680	01-13-1998	Gollnick	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

**OTHER ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published

**EXAMINER  
SIGNATURE****DATE CONSIDERED**

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16, if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1800-786-9199) and select option 2.

Rev. Sept. 03

J:\Open\phs\Broadcom (1772)\Qualcomm\Santa Ana 05-467 Litigation Statement & IDS\5,425,051 - Adaptive Parameters\Fee\14419US01\14419US01  
PTOSB08A.doc